Judge Merritt Holds That the Justice Had no Jurisdiction.

BUT SUSTAINS DEMURRER

MRS. KEYSOR ANR MRS. SMITH ARI GRANTED DIVORCES.

The City Sued For \$2,000 Damages-More of the DeWoody-Pembroke Litigation-An Injunction Sought for in the Matter of a Trade Mark-Judgments Entered.

Chief Justice Merritt presided in the Third district court yesterday, and in a short time disposed of considerable business. His honor handed down the impatiently awaited decision in the case of the Merchants' Protective association vs. Justice of the Peace Lochrie, an application for a permanent writ of prohibition. His honor, in rendering his decision, said there were two questions involved. The first was as to the jurisdiction of a justice of the peace to try actions in which the sum involved did not exceed \$300; and in the specification of such involved.

Court Notes.

The suits of Mrs. Elia F. Dyer (now Scarles) vs. H. P. Henderson and P. L. Williams, the administrators of the estate of the late Frank H. Dyer, were dismissed. the peace to try actions in which the sum involved did not exceed \$300; and in the specification of such jurisdiction, among other clauses in the statute defining the same was one providing for injuries to the person. The question, therefore, was whether that would include personal injuries occasioned by libel or signature. He was clearly of the opinion that the section of the statute referred to personal or physical injuries to the person—and that a justice of the peace had no jurisdiction in this particular class of cases, his impression was that the writ in such cases previously decided by the supreme court of this territory, his impression was that the writ in such cases would not lie. Whatever his own individual opinion might be on the matter, it was not his intention to make any ruling contrary to the decision of the supreme court of the territory; therefore he felt impelled to sustain the demurrer, being bound by the supreme court of the territory; therefore he felt impelled to sustain the demurrer, being bound by the supreme court of the territory; therefore he felt impelled to sustain the demurrer, being bound by the supreme court of the territory; therefore he felt impelled to sustain the demurrer, being bound by the supreme court of the territory; therefore he felt impelled to sustain the demurrer, being bound by the supreme court says they have a plain, adequate and speedy remedy at law. Having said that, I am, of course, bound by the decision.

Mrs. Smith's Divorce.

The divorce suit of Elizabeth A. Smith vs. Amos Smith, came up for bearing.

The divorce suit of Elizabeth A. Smith vs. Amos Smith, came up for

Merritt on the ground and to appear, vide. The defendant falled to appear. The parties were married in Ogden on August 26, 1889. Mrs. Keysor testified that for more than three years the defendant had failed to contribute anything to her support and she had been obliged to depend on her own exercitors and the kindness of her friends. The defendant is a dentist pray loing his defendant is a dentist praction his profession at Springs/ie and towns in southern Utah and witness said earned from \$75 to \$165 n mm and was well, able to provide for his wife if he was a land and was bell able to provide for his wife if he was a land was bell able to provide for his wife if he was a land was bell able to provide for his wife if he was a land was bell able to provide for his wife if he was a land was bell able to provide for his wife if he was a land was bell able to provide for his wife if he was a land was bell able to provide for his wife if he was a land was bell able to provide for his wife if he was a land was bell able to provide for his wife if he was a land was bell able to provide for his wife if he was a land was bell able to provide for his wife if he was a land was bell able to provide for his wife if he was a land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to provide for his wife in the land was bell able to be with the land

and was well able to provide for his wife if he was so inclined.

The sister of the plaintiff gave corroborative evidence upon which his honor granted the decree and made an order restoring plaintiff to her mutden name of Alida T. Hall. Attroper's fees were allowed in the sum of \$50 S. P. Armstrong was the attorney for the plaintiff.

INJUNCTION SUIT.

Trouble Over Alleged Appropriation of a Trade Mark.

inary surgeon, vs. Charles E. Johnson, of the firm of Johnson, Pratt & Co., to obtain an injunction from using the words "black oil" upon any label or wrapper as a trade mark or brand, came up. Attorney A. E. Pratt appeared for the plaintiff and Judge Dey for the defendant.

peared for the plaintiff and Judge Dey for the defendant.

The plaintiff's contention was that he had the sole right to the words "black oil" as a brand and he alleged and complained that the defendants infringed on his right by using the brand. It was also prayed that the defendants be restrained from initiating or salling the same kind of limment as that manufactured by the plaintiff; and that the defendants be ordered to render an account of all his sales of black oil during and since the year 1832 and to pay over to plaintiff the profits of such sales.

sales.

The arguments were upon the appli-cation for a temporary injunction pend-ing the trial of the suit. The court took it under advisement.

Short Orders.

Ella F. Dyer vs. H. P. Henderson et.

G. F. Colmer vs. F. D. Clift et. al. thirty days additional time from June 23 granted the defendants to settle statement on motion for a new trial. F. C. Bookledge vs. L. D. Kinney et. al.; order of reference hereustore made set aside on court's own motion. Amanda A. Barich et. al. vs. J. W. Whitehead Jr.; continued till July 16.

Judgments Entered.

Judgments were yesterday entered as follows in the Third district court: Clark Eldredge & Co., vs. Heber A. Smith, for the plaintiff \$55490. Edwin S. Crocker vs. Harvey Hardy, for the plaintiff for \$8,490.85.

SUITS ENTERED.

More of the Dewoody-Pembroke Litigntion.

William H. Sells and Clyde J. De woody have commenced suit in the Third district court against Herbert Pembroke and Sarah J. Pembroke ask-ing that they be declared the absolute owners of an undivided half interest in owners of an undivided half interest in the property on Franklin avenue oc-cupic. by one Essie Watkins, and that it be also decreed that the plaintiffs are in possession and entitled to the whole of said premises and to collect the rents arising therefrom and that the defendants be restrained and enjoined from interfering with the plaintiffs in the control of said pre-mises and the collecting of the rents arising therefrom.

THE CITY SUED.

lance Hunter Claims \$2,000 For Damage to His Ice Crop.

Isaac Hunter has commenced suit in the Third district court against Salt Lake city.. The complaint sets forth that for more than M years the plain-tiff has been the owner by prior appro-priation in fee of the right to the use of sufficient water flowing from City

W. Van Cott, Attorney.

Creek during the winter season for use as an ice pond, that at various times during the last season the defendant shut off the supply, thus spoiling the plaintiffs ice crop to his damage in the sum of \$2,000, for which he prays judg-ment

On a Promissory Note. W. H. Irvine is suing C. W. Aldrach

et al. in the Third district court to col-lect \$1,000 on a promissory note.

Preferred Creditor. Z. C. M. L. et al., have entered sult in the Third district court against Heber A. Smith and Hiram Smith for the setting aside of a deed of assignment made by the defendants to Hiram A. Smith, on the ground that fraudulent preference was made in the deed in favor of F. M. Smith for \$750, and the New England Loan and Trust company for \$1,000.

Jones & Schroeder are the plaintiffs' attorneys. Z. C. M. I. et al., have entered suit

Campbell Pleads Not Guilty.

S. W. Darke, attorney for administra-trix.

Smith vs. Amos Smith, came up for hearing.

The parties intermarried on October 25, 1885, and formerly resided in Summit country, but about two pears axo they separated, since which time the defendant, who failed to abswer, has contributed nothing to the support of his wire and child. His honor granted the decree as prayed, and awarded the custody of the child, Wiland A. Smith of les mother. Attorney Barlow Fergus and awarded the custody of the child, Wiland A. Smith of les mother. Attorney Barlow Fergus and awarded the custody of the child, Wiland A. Smith of les mother. Attorney Barlow Fergus and special to the politic nerving and special the custody of the child, Wiland A. Smith of les mother. Attorney Barlow Fergus and special the custody of the child, Wiland A. Smith of les mother. Attorney Barlow Fergus and special to the politic nerving and special to the politic nerving

weeks in the Salt Lake Berald, a newspaner printed and published in said city and county.

Dated July 2, 184.

BY JACOB B. ELAPR.
Probate Judge.

S. W. Darke. attorney for executors.

IN THE PROBATE COURT. IN AND for Salt Lake county, territory of Clahin the matter of the exists of John B. Kelly, deceased. Notice. Notice is better by given that George B. Kelly, administration of the exists of John B. Kelly, deceased. Notice. Notice is better by given that George B. Kelly, administration of the exists of John B. Kelly, deceased. Notice. Notice is better by given that George B. Kelly, administration of the resists of John B. Kelly, deceased. Notice. Notice is better by given that George B. Kelly, administration of the resists of John B. Kelly, deceased in said centre from and other land at Springville, 180 scre farm and other land at Indice in said centre in the said count first final account of his administration of said existe and petition for ministration of said count in the camity thereon, and that Tuesday, the sist day of July, a. D. 183, at 180 elocked a. m., at the count from of said count in the camity thereon, and chart Tuesday, the sist day of July, a. D. 183, at 180 elocked a. m., at the count from of said count, for the reting of said count and hearing said particl

By J. F. JACK, Deputy.
Van Cott. Altorney.

IN THE PROBATE COURT, IN AND for Sult Lake county, territory of Ulah. In the matter of the estate of Ulah. In the matter of the estate of Ulah. In the matter of the state of Eliza Windsor Blythe, deceased. Notice,—Notice is hereby given that John D. Spencer administrator of the state of Eliza Windsor Blythe, deceased, has rendered for settlement, and filed in said court, his final account of his administration of said estate and petition for final distribution of the residue of said estate among the persons entitled thereto, and that Wednesday, the 18th day of July. A. D. 18si, at 19 octock h. m. at the care room of said court, in the county corn of said court. In the county care house, Sait Lahe city and county. Lith territory, has been duly appointed by the judge of said court for the settlement of said account and hearing said petition for distribution, at which time and place any pear and show cause, if any there be why said account and hearing said rettled and approved and final distribution made as prayed for.

Dated June End, 1881.

H. V. MELOY, Clerk of the Probate Court. By J. F. JACK, Deputy Clerk.

O. W. Moyle, Attorney.

Sy J. F. JACK, Deputy Clerk.

O. W. Moyle, Attorney.

IN THE PROBATE COURT IN AND for Salt Lake County, Territory of Utah, in the mater of the estate of Jesse J. Murphy, deceased. Order to show came way order of sale of real estate should not be made.—Oscar W. Moyle, the executor of the estate of Jesse J. Murphy, deceased, having filed his petition herein, duly verified, praying for an order of sale of all the real estate of sald deceased, to the estate of sale of all the real estate of sale of all the real estate of sale of all the real estate of sale deceased, appear before the said Probate Court, on Thursday, the 2d day of August, 1894 at 10 o'clock in the forenoon of said day, at the court room of said Probate Court, on Thursday, the 2d day of August, 1894 at 10 o'clock in the forenoon of said day, at the county court house, in the city and county of Sait Lake, Utah Territory, to show cause why an order should not be granted to the said administrator, to sell so much of the real estate of the said deceased at private or public sale as shall be necessary, and that a copy of this order be published at least four successive weeks in The Sait Lake Herald, a newspaper printed and published in said city and county.

Dated June 28th, 1894

JACOB B. BLAIR,

Probate Judge.

Oscar W. Moyle, Executor,

IN THE PROBATE COURT, IN AND for the said deceased.

Oscar W. Moyle, Executor.

IN THE PROBATE COURT, IN AND for for Salt Lake County, Territory of Utah. In the matter of the estate of Jane Findley Chesney, deceased, Notice. Notice is hereby given that James Chesney, administrator of the estate of Jane Findley Chesney, deceased, has rendered for settlement, and held in said court his final account of his administration of sald cestate and petition for final distribution of the residue of said estate among the persons entitled thereto, and that Wednesday the 25th day of July, A. D. 188, at 10 o'clock a m., at the court room of said court, in the county court house. Salt Lake City and County, Utah Territory, has been duly appointed by the judge of said court, for the settlement of said account and hearing said petition for distribution, at which time and place any person interested in said estate may appear and show cause, if any there be why said account should not be settled and approved and final distribution made as prayed for.

Dated June 23, 1894.

H. V. MELOY, Clerk of the Probate Court, By J. F. JACK.
Deputy.

THE

MOST RESULTS.

SUREST RESULTS. QUICKEST RESULTS.

Herald's Money Saving Advertisement Blank.

RATES

Situations Wanted, per line 5 cents, three lines, 10 Cents, subsequent insertions half price. Help Wanted Houses or rooms for rent or Wanted, per line & Cents, subsequent insertions 2 1-3 Cents.

Six	Words	Make	a	Line,
	Six	Six Words	Six Words Make	Six Words Make a

Write your advertisement legibly on the above blank, and send to The Herald with Schedule Price, and IT WILL APPEAR IN THE NEXT MORNING'S HERAUD.

WARTED.

WANTED - FOR CESS-POOL AND Closet clearing Apply 21 East Eighth First South. Signs.

WANTED-A GOOD GIRL, FOR GEN cral housework. References required. Ap-ply at 55 North State street. WANTED SITUATION BY MIDDLE-aged lady for any kind of work in small family. Apply 410 East Second South.

WANTED-WORKING MEMBERS AT Sait Lake Athletic club, \$1 per month, including boxing lessons.

FOR RENT.

FOR RENT-HOUSE NO. 122 SOCIAL Hall avenue. Enquire 201 East South Tem-

FOR SALE

FOR SALE-2 INCABATORS CHEAP, Address S. 1. Herald. FOR SALE-PUG DOGS, very fine, cheap, 625 South Ninth East street.

FOR SALE—CHEAP, ONE IS-HORSE power boiler and one 8-horse power en-gine complete. Apply C. Newson, 638 West Third North, city.

FOR SALE—CHEAP, ONE 15-HORSE power boiler and one 5-horse power engine complete. Apply C. Newson, city. FRESH MILK COW, HARRIS & WIL

HANK STOCK COLLATERAL MONEY at 5%; also on real estate security at low tates. E. B. WICKS, 75 State street. MONEY TO LOAN ON IMPROVED etty and farm property, by Bacon, at Bank of Salt Lake.

8 PER CENT, NET ON SALT LAKE improved hashness or residence property only. Heber J. Grant & Co., agents, & Main street.

EXPRESS AND FURNITURE VANS.

M. KIMBALL LEAVE ORDERS with Surbaugh, Jeweler, McCornick build-

J. C. WATSON & BROS., 12 Richards street. N. H. GLENN. STAND OPPOSITE

38 State street.

BROKERAGE.

BANK STOCKS BOUGHT AND SOLD E. Bamberger, 14 West First South

FIRST-CLASS INVESTMENT STOCKS and bonds. J. S. Bamberger, 14 West First South street. DIVIDEND PAYING STOCKS, J. E. Bamberger, 14 West First South street.

NOTICE.

NOTICE—ZION'S BENEFIT BUILDing society. The annual meeting of the
stockholders of Zion's Benefit building society, will be held on Tuesday, July 10,
1804, at 8 o'clock p. m. at the Z. C. M. L.
Shoe factory, for the election of officers
for the ensuing year, the presentation of
the financial report, and the transaction
of such other business as may lawfully
come before the meeting.

EDGAI HOWE, Secretary.
Salt Lake City, June 20, 1894.

"SANTA FE ROUTE"

Rio Grande Western, Colorado Midland. Atchison, Topeka &

THE ONLY LINE WHICH KUNS PULL

I man Palace Steeping Cars between Ogden, Salt Lake City and Chicago without chance and Pullman Palace Reclining Chair Cars be-tween Ogden, Sait Lake City, Denver and Chicago. ween Ogden, Sait Lake City, Denver and Chicago.

Leave Ogden or Sait Lake City on the evening train, in order to see the most beauting scenery in America.

Train leaves Rio Grande Western Depot, Sait Lake City at 8:25 p. m.

H. C. BURNETT,

General Agent Pass Department,

General Agent Pass Department,

Salt Lake City, Utas

Sait Lake City, Utas

GEO. W. ARHMOR,
Financial Secretary.

J. C. HANCHETT,
Court Physician.

PAINTERS.

PERSONAL.

GASOLINE STOVES CLEANED AND repaired at 22 East Third South.

WANTED—A RESPECTABLE GIRL wishes a good place in a small family. Engulre its East Second South.

WANTED—WAS Second South.

WANTED—WAS Second South.

WANTED—WAS Second South. MASSAGE AND ELECTRICITY; SU-perfluous hair, moles and warts permu-nently removed. 274 East Fifth Souts. F. C. Strong.

PROF. PGRD, TEACHER OF GUITAR Mandelin, Clarinette, room 30, Alexander

IN BUYING OR SELLING YOU SAVE money by calling at the I X L Second Hand store, 48 East Second South. MARRIED LADIES SAFEGUARD; patented; no medicine; ne equal; money clunded if not satisfactory. Send the to Ladies' Novelty company. Kansas City. Mo.

PATRONIZE HOME MANUFACTURE.

B. Blake, manufacturer of flower pots, earthenware vasses, pickie fars, milit pans, lugs. Fruit jars, and everything in the earthenware line. Pottery and readence 949 East Eighth South. Our prices are lower than eastern manufacturers.

PLUMBERS.

HEESCH & DAVIS SANITARY CO., 49 East First South.

VACANT LOT, CLEAR, FOR BUGGY and harness; 40 acres in Cache Valley, and harness; 40 acres in Cache Valley, and harness; 40 acres in Cache Valley, in the control of the con

STEAM-HEATING.

J. MORAN-STEAM AND HOT r healing and ventilating apparatus.

21 PATENT ATTORNEY. Pattents on inventions, caveats, etc. Pattent drawings, models to order. Office 251 Main street, Salt Lake city.

BUSINESS CHANGES.

DRY GOODS, GENERAL MERCHAN-dise, meat markets, restaurants, fruit and cigar stands, etc. H. Bouford, Rooms 25-28, G'Meara Building.

STOCKHOLDERS' MEETING.

NOTICE—THE ANNUAL MESTING of the stockholders of the State Bank of Utah will be held at its banking huse, corner Main and South Temple streets, Sait Lake city, Utah, at 5 o'clock p. in on Tuceday, July 10, 1884, for the purpose of electing directors to serve for the enting year and for the transaction of such other business as may properly come before the meeting. before the meeting.

EEBER M. WELLS.
Cashier.

DELINQUENT STOCK SALE.

THE MOUNTAIN SUMMER RESORT company: Location of principal place of business. No. 161 Main for East Temple street). Salt Lake City, Utah. Notice—There are delinquent upon the following described stock of said Mountain Summer Resort company, on account of assessment of ten dollars per share levied on the 17th day of May, 1884, the several amounts set opposite the names of the respective shareholders as follows:

Name.	Ctf. No.	Shares
. G. Hardy	1	19
G Hardy	13	1
G. Hardy	26	- 1
loseph S. Richards	2	100
	14	1
Joseph S. Richards	26	1
Ohn Marn.	- 621	. 10
John Sharp	151	1
John Sharp	27	1
Alonzo Young	3.1	10
Alonzo Young	16:	-1
Alongo Young	25	1
Richard W. Young Richard W. Young Richard W. Young	17	. 10
Richard W. Young	23	1
Richard W. Young	200	1
C. B. Felt	8	10
C. B. Felt	20	1
C. B. Felt	34	1
J. F. Feit	1,91	10
J. F. Felt	218	1
i. F. Felt	34	10
W. H. Rowe	3.0	30
W. H. Rowe	77	100
I. G. Cutler	11.	10
J. G. Cutler	2.0	13.
I. G. Cutler	32	70
Joseph F. Smith	0.6	10
loseph F. Smith	24.	+
Joseph F Smith	99	1
I. G. Felt	46	10
I. G. Felt	1907	.10

other of one William Ratellife; to pay insurance and taxes and all necessary expenses; to have a decree of this court for the foreclesure of a certain mortgage upon said premises, executed by Defendants Groesbeck to one Joseph M. Stout, Nov. 3, 1832, to secure the payment of a promissory note of even date for £20,000, executed by Defendant John A. Groesbeck to said Stoutt, upon which there is now due and unpaid the sum of £15,512.3; said note and wortgage having been duly assigned to plaintiff, which is now the holder thereof; to have said premises sold as provided by law; that pinintiff may be permitted to purchase at said sale and be alliowed a reasonable sum for attorneys fees; that its judgmentmay be in gold coin, with interest at 10 per cent. per annum, and for other relief; Said premises are described as follows, to-wit: Commencing & feet & from N. W. corner of lot 2, block \$17, plat "A" S. L. C. sur, running thence S. & feet, thence E. 1134 feet, thence N. 1154 feet to beginning, with alley way 9 feet in width running N. & S. through extreme E. end said lot 2, from point 10% feet to beginning, with alley way 9 feet in width running N. & S. through extreme E. end said complaint as above required, the said plaintiff will apply to the court for the relief demanded therein.

Witness, the Hon. Samuel A. Merritt, Judge, and the send of the District Court of the Third Judicial district. In and for the territory of Utah, this 6th Gay of June, in the year of our (SEAL) Lord one thousand eight hundred and ninety-four.

Williams, Van Cott & Sutherland, Attorneys for Plaintiff.

DAYID C. DUNBAR, Clerk.

By GEO. D. LOOMIS, Deputy Clerk.

DAVID C. DUNBAR, Clerk. By GEO. D. LOOMIS, Deputy Clerk.

IN THE DISTRICT COURT IN AND for the Third judicial district of Utah territory, county of Salt Lake. Mrs. George W. Stern, plaintiff, vs. William Burke, Mary L. Furke, Catherine E. Lyver, Aaron Keyser, William S. McCornick, Mary Brixen, the National Bank of the Rs. public, of Salt Lake city, a corporation, Linion National bank, of Salt Lake city, a corporation, Edward B. Wieks, trusses for H. B. Scott, H. B. Scott, and M. B. Bufford, J. W. Taylor and George Crocker, doing business under the firm name of Promentory Stock company, defendants.—Summons.

doing business under the firm name of Promontory Stock company, defendants.—
Summons.
In the people of the territory of Utah and the Antional Bank of the Republic of Salt Lake city, a corporation, Union National Bank of the Republic of Salt Lake city, a corporation, Union National Bank, of Salt Lake city, a corporation, Union National Bank, of Salt Lake city, a corporation, Edward B. Wicks, trustee for H. S. Scott, H. B. Scott and M. B. Buford, J. W. Taylor and George Crocker, doing dusiness under the firm name of Promontory Stock company, defendants.

You are hereby required to appear in an action brought against you by the above named plaintiff in the district court of the Third judicial district of the territory of Utah, and to answer the complaint filed therein within ten days (exclusive of the day of service) after the service on you of this summons—if served within the days; otherwise within forty days—or judgment by default will be taken against you, according to the prayer of said complaint.

The said action is brought to have judg-

Temple street, Salt Lake City, Und.
Notice-There are delinquent upon the following described stock of salt community of assessment of ten dollars per share levied on the 17th day of May, 1894, the several amounts set opposite the names of the respective shareholders as follows:

Name. | Cut No. | Shares |
L. G. Hardy | 1 | 10 |
L. G. Hardy | 2 | 1 | 10 |
L. G. Hardy | 3 | 1 |
L. G. Hardy | 4 | 1 | 10 |
L. G. Hardy | 5 | 1 |
L. G. Hardy | 5 | 1 |
L. G. Hardy | 6 | 1 |
L. G. Hardy | 7 | 10 |
L. G. Hardy | 7 | 10 |
L. G. Hardy | 8 | 1 |
L. G. Hardy | 9 | 1 |
L. G. Hardy | 1 | 1 |
L.

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